

(Stipulating Parties Listed on Signature Pages)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

Case No. 07-5944 SC

MDL No. 1917

This Document Relates to:

Schultze Agency Servs., LLC v. Hitachi, Ltd., et al., No. 12-cv-02649.

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING SCHULTZE
AGENCY SERVICES, LLC's STATE LAW
CLAIMS**

Plaintiff Schultze Agency Services, LLC on behalf of Tweeter Opco, LLC and Tweeter Newco, LLC ("Tweeter") and the undersigned Defendants (together with Tweeter, the "Stipulating Parties") hereby stipulate as follows:

WHEREAS, on November 4, 2013, Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer Products, LLC, Toshiba America Information Systems, Inc., and Toshiba America Electronic Components, Inc. moved to dismiss Tweeter's First Amended Complaint (Dkt. No. 2108) (the "Motion to Dismiss");

WHEREAS, Koninklijke Philips N.V., and Philips Electronics North America Corporation joined the Motion to Dismiss (Dkt. No. 2187);

WHEREAS, on March 13, 2014, the Court entered an order granting in part and denying in part the Motion to Dismiss (Dkt. No. 2436) (the "Motion to Dismiss Order");

WHEREAS, the Court's Motion to Dismiss Order dismissed with prejudice Tweeter's claims under Massachusetts law as brought against Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer Products, LLC, Toshiba America Information Systems, Inc., Toshiba America Electronic Components, Inc., Koninklijke Philips N.V., and Philips Electronics North America Corporation.;

WHEREAS, the undersigned Defendants were not parties to the Motion to Dismiss and Tweeter currently maintains claims under Massachusetts law against the undersigned Defendants;

1 WHEREAS, in order to minimize the burden on the Court, the Stipulating Parties wish to
2 apply the Motion to Dismiss Order to Tweeter's actions against the undersigned Defendants to the
3 extent the Motion to Dismiss Order dismissed Tweeter's claims under Massachusetts law;

4 WHEREAS, the Stipulating Parties agree that Tweeter shall preserve all rights, including
5 all appellate rights, with respect to its claims under Massachusetts law;

6 IT IS HEREBY STIPULATED AND AGREED by and between counsel for Tweeter and
7 the undersigned Defendants, subject to the concurrence of the Court, that:

8 1. The undersigned Defendants shall be deemed to have joined the Motion to
9 Dismiss.

10 2. The Court's Motion to Dismiss Order shall be deemed to apply to Tweeter's
11 actions against the undersigned Defendants.

12 3. Tweeter retains the same rights, including the right to challenge the Motion to
13 Dismiss Order on appeal, as if the undersigned Defendants had joined the Motion to Dismiss and
14 the Motion to Dismiss Order had been entered in Tweeter's actions against the undersigned
15 Defendants.

16 4. Tweeter's claims under Massachusetts law as brought against the undersigned
17 Defendants are hereby dismissed with prejudice.

18 * * *

19 The undersigned parties jointly and respectfully request that the Court enter this
20 stipulation as an order.

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22
23 Dated: April 30, 2014



24 Hon. Samuel Conti
25 United States District Judge

1 DATED: April 23, 2014

By: KIRKLAND & ELLIS LLP

2 /s/ Eliot A. Adelson

3 ELIOT A. ADELSON (SBN 205284)
4 Email: eadelson@kirkland.com
5 **KIRKLAND & ELLIS LLP**
6 555 California Street
7 27th Floor
8 San Francisco, CA 94104
9 Telephone: (415) 439-1413
10 Facsimile: (415) 439-1500

11 *Attorneys for Defendants Hitachi, Ltd., Hitachi*
12 *Displays, Ltd. (n/k/a Japan Display East, Inc.),*
13 *Hitachi Asia, Ltd., Hitachi America, Ltd., and*
14 *Hitachi Electronic Devices (USA), Inc.*

WINSTON & STRAWN LLP

By: /s/ Jeffrey L. Kessler

12 JEFFREY L. KESSLER (*pro hac vice*)
13 Email: JKessler@winston.com
14 A. PAUL VICTOR (*pro hac vice*)
15 Email: PVictor@winston.com
16 ALDO A. BADINI (SBN 257086)
17 Email: ABadini@winston.com
18 EVA W. COLE (*pro hac vice*)
19 Email: EWCole@winston.com
20 MOLLY M. DONOVAN
21 Email: MMDonovan@winston.com
22 **WINSTON & STRAWN LLP**
23 200 Park Avenue
24 New York, NY 10166
25 Telephone: (212) 294-6700
26 Facsimile: (212) 294-4700

21 STEVEN A. REISS (*pro hac vice*)
22 Email: steven.reiss@weil.com
23 DAVID L. YOHAI (*pro hac vice*)
24 Email: david.yohai@weil.com
25 ADAM C. HEMLOCK (*pro hac vice*)
26 Email: adam.hemlock@weil.com
27 **WEIL, GOTSHAL & MANGES LLP**
28 767 Fifth Avenue
New York, New York 10153-0119
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

Attorneys for Defendants Panasonic Corporation
(f/k/a Matsushita Electric Industrial Co., Ltd.),
Panasonic Corporation of North America, MT
Picture Display Co., Ltd.

SHEPPARD MULLIN RICHTER & HAMPTON

By: /s/ Gary L. Halling

GARY L. HALLING (SBN 66087)
Email: ghalling@sheppardmullin.com
JAMES L. MCGINNIS (SBN 95788)
Email: jmcginnis@sheppardmullin.com
MICHAEL W. SCARBOROUGH, (SBN 203524)
Email: mscarborough@sheppardmullin.com
SHEPPARD MULLIN RICHTER & HAMPTON
Four Embarcadero Center, 17th Floor
San Francisco, California 94111
Telephone: (415) 434-9100
Facsimile: (415) 434-3947

Attorneys for Defendants Samsung SDI America, Inc.; Samsung SDI Co., Ltd.; Samsung SDI (Malaysia) SDN. BHD.; Samsung SDI Mexico S.A. DE C.V.; Samsung SDI Brasil Ltda.; Shenzhen Samsung SDI Co., Ltd. and Tianjin Samsung SDI Co., Ltd.

MUNGER, TOLLES & OLSON LLP

By: /s/ William Temko

WILLIAM TEMKO
Email: william.temko@mto.com
JONATHAN ALTMAN
Email: jonathan.altman@mto.com
HOJOON HWANG
hojoon.hwang@mto.com
MUNGER, TOLLES & OLSON LLP
560 Mission Street
San Francisco, CA 94105
Telephone: (415) 512-4009
Facsimile: (415) 512-4077

Counsel for LG Electronics, Inc.; LG Electronics USA, Inc.

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Rachel S. Brass

RACHEL S. BRASS (SBN 219301)
Email: rbrass@gibsondunn.com
JOEL S. SANDERS (SBN 107234)

Email: jsanders@gibsondunn.com
AUSTIN V. SCHWING (SBN 211696)
aschwing@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, California 94105
Tel: (415) 393-8200
Fax: (415) 393-8306

*Attorneys for Defendants Chunghwa Picture Tubes,
Ltd. and Chunghwa Picture Tubes (Malaysia)*

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Philip J. Iovieno

PHILIP J. IOVIENO
Email: piovieno@bsfllp.com
ANNE M. NARDACCI
Email: anardacci@bsfllp.com
BOIES, SCHILLER & FLEXNER LLP
30 South Pearl Street, 11th Floor
Albany, NY 12207
Telephone: (518) 434-0600
Facsimile: (518) 434-0665

WILLIAM A. ISAACSON
Email: wisaacson@bsfllp.com
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Ave. NW, Suite 800
Washington, D.C. 20015
Telephone: (202) 237-2727
Facsimile: (202) 237-6131

*Attorneys for Plaintiff Schultze Agency Services LLC
on behalf of Tweeter Opco, LLC and Tweeter Newco,
LLC*

Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this document has been obtained from each of the above signatories.